THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION No.4466 of 2007

Date: 05.03.2007

Between:
R.Somunaidu and others

....Petitioners

and

The Superintending Engineer and others.

....Respondents

O R D E R:

The petitioners are the residents of Raavipalem Village, Atchuthapuram Mandal, Visakhapatnam District. They are said to have constructed pucca houses in the village about 50 to 60 years ago. Their grievance is that the respondents are trying to demolish their houses and occupy their lands for formation of a road, without following the procedure prescribed by law.

Heard the learned counsel for the petitioners and the learned Government Pleader for Roads and Buildings appearing for the first respondent obtained instructions at the stage of admission. It is stated that the work, which is being undertaken, is the one for strengthening the existing road and neither any house would be demolished nor any property of private individuals would be utilised in the process.

If the respondents intend to strengthen or improve the existing road, the petitioners cannot have any plausible objection. However, if it becomes necessary to demolish the houses or to utilise the lands of the petitioners in the process, the respondents would be under obligation to initiate proceedings for acquiring such properties. The statement made on behalf of the first respondent that no property of the petitioners would be utilised for formation or improvement of the road and that their houses would not be demolished is taken on record.

Hence, the writ petition is disposed of, directing that the respondents shall not demolish the houses of the petitioners or to utilise their lands for the road except following the procedure prescribed by law. There shall be no order as to costs.

05.03.2007

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